

TRON LAKEY DAVIS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.


This matter is before the Court on petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The government responded to the § 2255 motion opposing relief on all but petitioner's claim that his counsel was ineffective in failing to object to the term of supervised release imposed on count six. The Court appointed counsel for petitioner and set this matter for evidentiary hearing to determine whether counsel was ineffective in advising petitioner to withdraw his appeal noted in the court of appeals. [DE 95].

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CONCLUSION

For the foregoing reasons, the government's motion to correct and reenter judgment [DE 105] is GRANTED IN PART and DENIED IN PART. The Clerk of Court is DIRECTED to VACATE the judgment entered on the docket on November 15, 2013, and amended on November 27, 2013. [DE 62 & 70]. The clerk is further DIRECTED to reenter a new, identical judgment as of the date of entry of this order so that petitioner may notice an appeal consistent with the Federal Rules of Appellate Procedure should he so choose. Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [DE 82, 89, 91] is DISMISSED WITHOUT PREJUDICE. In light of the foregoing, the hearing set in this matter on August 25, 2015, is cancelled.

SO ORDERED, this 21 day of August, 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE